

### **13A.010 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "Administrative body" means each state board, bureau, cabinet, commission, department, authority, officer, or other entity, except the General Assembly and the Court of Justice, authorized by law to promulgate administrative regulations;
- (2) "Administrative regulation" means each statement of general applicability promulgated by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes an existing administrative regulation, a new administrative regulation, an emergency administrative regulation, an administrative regulation in contemplation of a statute, and the amendment or repeal of an existing administrative regulation, but does not include:
  - (a) Statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public;
  - (b) Declaratory rulings;
  - (c) Intradepartmental memoranda not in conflict with KRS 13A.130;
  - (d) Statements relating to acquisition of property for highway purposes and statements relating to the construction or maintenance of highways; or
  - (e) Rules, regulations, and policies of the governing boards of institutions that make up the postsecondary education system defined in KRS 164.001 pertaining to students attending or applicants to the institutions, to faculty and staff of the respective institutions, or to the control and maintenance of land and buildings occupied by the respective institutions;
- (3) "Adopted" means that an administrative regulation has become effective in accordance with the provisions of this chapter;
- (4) "Authorizing signature" means the signature of the head of the administrative body authorized by statute to promulgate administrative regulations;
- (5) "Commission" means the Legislative Research Commission;
- (6) "Effective" means an administrative regulation that has completed the legislative committee review established by KRS 13A.290, 13A.330, and 13A.331;
- (7) "Federal mandate" means any federal constitutional, legislative, or executive law or order that requires or permits any administrative body to engage in regulatory activities that impose compliance standards, reporting requirements, recordkeeping, or similar responsibilities upon entities in the Commonwealth;
- (8) "Federal mandate comparison" means a written statement containing the information required by KRS 13A.245;
- (9) "Filed" or "promulgated" means that an administrative regulation, or other document required to be filed by this chapter, has been submitted to the Commission in accordance with this chapter;
- (10) "Last effective date" means the latter of:
  - (a) The most recent date an ordinary administrative regulation became

effective, without including the date a technical amendment was made pursuant to KRS 13A.040(10), 13A.2255(2), or 13A.312; or

- (b) The date a certification letter was filed with the regulations compiler for that administrative regulation pursuant to KRS 13A.3104(4), if the letter stated that the administrative regulation shall remain in effect without amendment;
- (11) "Legislative committee" means an interim joint committee, a House or Senate standing committee, a statutory committee, or a subcommittee of the Legislative Research Commission;
  - (12) "Local government" means and includes a city, county, urban-county, charter county, consolidated local government, special district, or a quasi-governmental body authorized by the Kentucky Revised Statutes or a local ordinance;
  - (13) "Proposed administrative regulation" means an administrative regulation that:
    - (a) Has been filed by an administrative body; and
    - (b) Has not become effective or been withdrawn;
  - (14) "Regulatory impact analysis" means a written statement containing the provisions required by KRS 13A.240;
  - (15) "Small business" means a business entity, including its affiliates, that:
    - (a) Is independently owned and operated; and
    - (b)
      1. Employs fewer than one hundred fifty (150) full-time employees or their equivalent; or
      2. Has gross annual sales of less than six million dollars (\$6,000,000);
  - (16) "Statement of consideration" means the document required by KRS 13A.280 in which the administrative body summarizes the comments received, its responses to those comments, and the action taken, if any, as a result of those comments and responses;
  - (17) "Subcommittee" means the Administrative Regulation Review Subcommittee of the Legislative Research Commission;
  - (18) "Tiering" means the tailoring of regulatory requirements to fit the particular circumstances surrounding regulated entities; and
  - (19) "Written comments" means comments submitted to the administrative body's contact person identified pursuant to KRS 13A.220(6)(d) via hand delivery, United States mail, e-mail, or facsimile and may include but is not limited to comments submitted internally from within the promulgating administrative body or from another administrative body.

**Effective:** February 2, 2021

**History:** Amended 2021 Ky. Acts ch. 7, sec. 1, effective February 2, 2021. -- Amended 2017 Ky. Acts ch. 77, sec. 1, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 82, sec. 1, effective July 15, 2016. -- Amended 2012 Ky. Acts ch. 138, sec. 1, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 100, sec. 1, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 165, sec. 2, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 288, sec. 2, effective July 14, 2000; and ch. 406, sec. 2, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 38, sec. 9, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 30, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 180, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 410, sec. 1, effective

July 15, 1994. -- Amended 1990 Ky. Acts ch. 516, sec. 13, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 89, sec. 5, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 417, sec. 1, effective April 13, 1984.